

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18031 of 2022

Arising Out of PS. Case No.-149 Year-2020 Thana- PATNA CITY CHOWK District- Patna

Bhola Ray, Son of Late Mishri Raj Rai, Resident of Kaimashikoh Bans Bazar,
Naharpar, P.S.- Chowk, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Special Case No. 3207 of 2020, arising out of Chowk P.S. Case No. 149 of 2020, registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegedly, total 55 litres of country made foreign liquor was recovered near the *khatal* of petitioner, who along with his co-accused brother is said to have been involved in selling of country made liquor.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not been apprehended from the spot and no incriminating article has been recovered from his possession. Recovery of contraband has been made from the outside of the *khatal* and he has nothing to do with the same. The petitioner is having criminal antecedent of similar nature but he has been implicated in those cases by the police. The charge-sheet has been submitted in this case and the petitioner is in custody since 08.02.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in a large number of cases.

Having regard to the submissions made hereinabove and further considering the fact that the recovery has not been shown to be from the conscious possession of this petitioner and further considering the submission of charge-sheet as well as the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City, in connection with Special Case No. 3207 of 2020, arising out of



Chowk P.S. Case No. 149 of 2020, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) The petitioner will not commit similar type of offences in future.

(v) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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